

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEVIN LEE TETREAU,

Defendant-Appellant.

UNPUBLISHED

October 26, 2001

No. 224918

Huron Circuit Court

LC No. 99-004094-FH

Before: Whitbeck, P.J., and Neff and Hoekstra, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for operating under the influence of intoxicating liquor, third offense. MCL 257.625(7)(a)(ii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The day of trial, counsel moved to withdraw based on a breakdown in the attorney/client relationship. After determining that counsel was prepared to proceed with the trial, the court stated that it would allow counsel to withdraw, but defendant would have to represent himself. Defendant agreed to do so, but after voir dire, trial counsel resumed his representation.

Defendant argues that the trial court abused its discretion in refusing to appoint substitute counsel. An indigent person entitled to appointed counsel is not entitled to choose his own lawyer. *People v Ginther*, 390 Mich 436, 441; 212 NW2d 922 (1973); *People v Ceteways*, 156 Mich App 108, 118; 401 NW2d 327 (1986). Appointment of substitute counsel is warranted only upon a showing of good cause and if substitution will not unreasonably disrupt the judicial process. *People v Mack*, 190 Mich App 7, 14; 475 NW2d 830 (1991). Good cause exists where a legitimate difference of opinion develops between a defendant and his appointed counsel with regard to a fundamental trial tactic. *Id.* The decision regarding substitution is within the sound discretion of the trial court and will not be reversed absent an abuse of that discretion. *Id.*

There is no showing that the trial court abused its discretion in denying substitute counsel. The breakdown in communication was minor, and the dispute did not involve a fundamental trial tactic. Defendant was not prejudiced by the continued representation of appointed counsel.

Affirmed.

/s/ William C. Whitbeck

/s/ Janet T. Neff

/s/ Joel P. Hoekstra